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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,871	05/12/2005	Masao Yamashita	2005_0779A	6816

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WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER

EPPS, TODD MICHAEL

ART UNIT PAPER NUMBER

3632

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/534,871	Applicant(s) YAMASHITA ET AL.	
	Examiner Todd M. Epps	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 12, 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/12/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office Action for serial number 10/534,871, Container Suspending Device, filed on May 12, 2005.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,293,392 to Galbierz.

Galbierz '392 discloses a container suspending device comprising: a paper container suspending base plate (3, 5) having a plurality of circular openings (13, 15), and a plurality of lock pieces (21, 23) extending from an inner peripheral edge of each of the circular openings toward an inside, diameters of the circular openings being formed so that head parts of containers to be suspended can pass therethrough, and diameters of virtual circles formed by connecting tips of the plurality of lock pieces to each other being formed smaller than diameters of lock parts formed on peripheries around the

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head parts of the containers; wherein the plurality of lock pieces horizontally extend from the inner peripheral edge of the circular openings toward the insides; and wherein the plurality of lock pieces rise aslant from the inner peripheral edges of the circular openings toward the insides.

Claims 1, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Publication Patent No. 08-310557 to Nagaoka Kunji.

Kunji '557 discloses a container suspending device comprising: a paper container suspending base plate having a plurality of circular openings, and a plurality of lock pieces (4) extending from an inner peripheral edge of each of the circular openings toward an inside, diameters of the circular openings being formed so that head parts of containers to be suspended can pass therethrough, and diameters of virtual circles formed by connecting tips of the plurality of lock pieces to each other being formed smaller than diameters of lock parts formed on peripheries around the head parts of the containers; and a paper top plate (3) bonded on an upper side of the container suspending base plate (2), in which cap-shaped fitting parts to cover the head parts of the containers to be suspended are formed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galbierz '392.

Galbierz '392 discloses the previous invention failing to teach wherein the container suspending base plate is fabricated by pulp molding; and is processed with water-resistant finish. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the base plate fabricated by pulp molding and water-resistant finish wherein doing so would provide thereof for additional strength and it has been held that a change in material of a prior art device is a design consideration within the skill of the art.

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunji '557.

Kunji '557 discloses the previous invention failing to teach wherein the container suspending base plate is fabricated by pulp molding; and is processed with water-resistant finish. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the base plate fabricated by pulp molding and water-resistant finish wherein doing so would provide thereof for additional strength and it has been held that a change in material of a prior art device is a design consideration within the skill of the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,320,216 to Pangborn

U.S. Patent No. 5,323,895 to Sutherland et al.

U.S. Patent No. 5,487,464 to Galbierz et al.

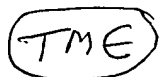
The above references disclose a structure similar to the applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd M. Epps whose telephone number is 571-272-8282. The examiner can normally be reached on M-F (7:30-4:30).

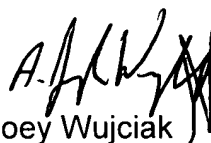
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Todd M. Epps
Patent Examiner
Art Unit 3632
October 12, 2006



Joey Wujciak
Primary Examiner
Art Unit 3632